

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
OLIVIA RUX, et al.,

Petitioners,

Case No. 08 Civ. 6588 (AKH)

- against -

ABN-AMRO BANK, N.V., et al.

**AFFIDAVIT IN SUPPORT
OF CLAIM**

Respondents.

-----X

DAVID H. DICKIESON, being duly sworn, does hereby swear and affirm under oath the following:

1. I have reviewed the facts and circumstances described in the concurrently-filed Claim and I hereby affirm that Exhibit 1 is a business record of Cliveden Petroleum Co., Ltd. kept in the ordinary course of business, which confirms that on November 18, 2003, Cliveden Petroleum Co., Ltd. issued an order to Banco Atlantico for payment to The Sudanese Petroleum Corporation of \$915,102 with respect to the "2003 obligations under EPSA dated 21st October 2003."

2. Exhibit 2 is the Banco Atlantico (Gibraltar) Ltd. monthly statement for November 2003 showing that \$915,355.45 was transferred by Cliveden to the "SUDANESE EUR" on November 19, 2003.

3. Exhibit 3 is a true copy of a letter dated November 21, 2003 from Cliveden Oil to the Bank of New York protesting the blockage of \$915,102 in funds to be used for Social Development and Training Fund, among other uses, in Sudan.

4. Exhibit 4 confirms that on December 5, 2003, Cliveden Petroleum Co., Ltd. issued another replacement order to Banco Atlantico for payment to The Sudanese Petroleum

Corporation of \$915,102 with respect to the “2003 obligations under EPSA dated 21st October 2003.”

5. Exhibit 4 is the Banco Atlantico (Gibraltar) Ltd. monthly statement for December 2003 showing that a second payment of \$915,362.23 was transferred to the “SUDANESE PET” on December 9, 2003.

6. The transfer described in Exhibits 4 and 5 was required to replace the transaction that was contemplated by Exhibits 1 and 2, as the earlier transaction was prevented by the blockage of funds by the Bank of New York.

7. Corporate records indicate that the second transfer of funds was not blocked and the obligation owed to Sudan was satisfied.

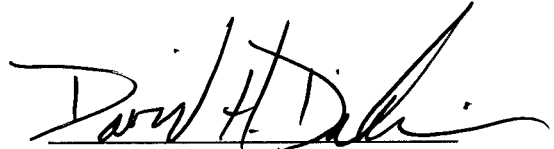
8. Verification of the fact that Sudan’s claim was satisfied is also evidenced by the fact that Sudan has made no claim to the funds which were blocked by the Bank of New York and which have now been paid into this Court.

9. Exhibit 6 demonstrates that Zarmach Oil is the successor in interest to Cliveden Petroleum Co., Ltd. with respect to a claim for funds which were blocked by the Bank of New York on November 21, 2003.

10. The \$915,102 is solely the property of Zarmach and no other party has made a legal claim on such funds

FURTHER AFFIANT SAYETH NOT.

November 21, 2008



David H. Dickieson
Schertler & Onorato, LLP
601 Pennsylvania Avenue, NW
North Building – 9th Floor
Washington, DC 20004
202-628-4199
Facsimile: 202-628-4177
lfishberg@schertlerlaw.com
ddickieson@schertlerlaw.com

District of Columbia: SS

Subscribed and Sworn to before me,

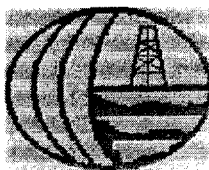
this 21st day of November, 2008



Notary Public, D.C.

My commission expires 10/31/2013

Penny Frye
Notary Public, District of Columbia
My Commission Expires 10/31/2013



Cliveden Petroleum Co. Ltd

Geneva Branch
17 rue des Pierres-du-Niton
1207 - GENÈVE
SUISSE

TEL: (22) 700 68 60
FAX: (22) 700 58 15
E-mail : clivedengva@bluewin.ch

TELEFAX MESSAGE

DATE : 18 November 2003
TO : Banco Atlantico
ATTN : Mr. Esteban Maldonado
FAX NO : +35040110
FROM : Jean Gabriel Antoni

N° of pages (this one included): 01

By debiting our account with you N° 300730, please effect following payment :

Amount : US Dollars 915,102 (nine hundred fifteen thousand one
hundred two)
To : BNP, Paribas (Suisse) S. A, Geneva
formerly United European Bank
Geneva
In favour of : The Sudanese Petroleum Corporation
Account N° : 72482-10V
SWIFT : UEBGCHGGXXX
Reference : 2003 obligations under EPSA dated 21st October 2003
Value : 21 November, 2003

Thanks and regards.


Jean Gabriel Antoni

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**PLAINTIFF'S
EXHIBIT**



Banco Atlántico
(Gibraltar) Ltd

1 Corral Road. P. O. Box 561, PMB 6314 GIBRALTAR. Phone/fax: (350) 40117/(350) 40110 Swift: ATLAGIGI E-mail: atlaco@gibnet.gi

CLIVEDEN PETROLEUM CO. LT
17, RUE PIERRES-DU-NITTON
GENEVE
01207 SWITZERLAND

STATEMENT OF ACCOUNT
AS AT : 30.11.03
CURRENT ACCOUNT
NUMBER : 1300730/001.000.840
CUSTOMER CURRENT ACCOUNT
IN US-DOLLAR

PAGE 1

DATE	DESCRIPTION	VALUE DATE	DEBIT	CREDIT	BALANCE
	OPENING BALANCE PER : 01.11.03			1.425.464,15	
061103	POS 1663/03 TRF TO DR DEBOHRA E AJA	061103	35.070,00		1.390.394,15
071103	POS 1669/03 TRF TO DR PETER G FELTE	071103	125.250,00		1.265.144,15
071103	POS 1667/03 TRF TO INTELLIGENT STRA	071103	23.719,59		1.241.424,56
111103	USD/EUR SPOT 1,15970000	121103	20.735,44		1.220.689,12
111103	POR 906/03 TRF FROM FARONA INV LTD	141103		2.799.966,50	4.020.655,62
111103	POS 1699/03 TRF TO AMERICAN EXPRESS	141103	19.049,90		4.001.605,72
141103	POS 1698/03 TRF TO HIGH TECH PETROL	141103	15.494,82		3.986.110,90
191103	POS 1713/03 TRF TO AO SHIPLEY	191103	8.446,97		3.977.663,93
191103	POS 1714/03 TRF TO J ROLFE JOHNSON	191103	12.542,24		3.965.121,69
191103	POS 1716/03 TRF TO THE SUDANESE EUR	191103	915.355,45		3.049.766,24
201103	POS 1720/03 TRF TO HIGH TECH PETROL	201103	15.495,14		3.034.271,10
211103	POS 1726/03 TRF TO F & M ERONAT	211103	17.222,57		3.017.048,53
211103	POS 1730/03 TRF TO CLIVEDEN PETROLEU	211103	25.050,00		2.991.998,53
271103	POS 1762/03 TRF TO BELSAN HOLDING I	271103	7.511,19		2.984.487,34
271103	POS 1763/03 TRF TO SKYLINE SALES &	271103	6.056,13		2.978.431,21
271103	POS 1764/03 TRF TO DYNAMIC TRADING	271103	1.742,44		2.976.688,77
271103	POS 1765/03 TRF TO CLIVEDEN PETROLE	271103	45.090,00		2.931.598,77
271103	POS 1766/03 TRF TO FODEIBOU OROZI	271103	6.042,44		2.925.556,33
271103	POS 1767/03 TRF TO SEIS PRO INC	271103	9.671,52		2.915.884,81
271103	POS 1768/03 TRF TO CARLTON ENERGY G	271103	10.118,60		2.905.766,21
271103	POS 1769/03 TRF TO DR DEBOHRA E AJA	271103	15.042,44		2.890.723,77
271103	POS 1770/03 TRF TO J ROLFE JOHNSON	271103	12.542,44		2.878.181,33
	BALANCE IN YOUR FAVOUR			2.878.181,33	

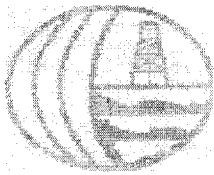
VOUCHER

1.425.464,15

2.878.181,33

ok to G/L





Banco Atlantico (Gibraltar) Ltd

3

BANK OF NEW YORK
NEW YORK

To the attention of FTD-BLOCK ENTITY

Geneva 21st November, 2003

Dear Sirs,

We make reference to the two wire transfers executed by our bank, Banco Atlantico (Gibraltar) Ltd respectively on 14th November 2003 for US Dollars 15,452.73 in favour of High Tech Petroleum Co, Khartoum, Sudan to their account with Banque Soudano Francaise in Khartoum and on 21st November, 2003 for US Dollars 915,102 in favour of Sudanese Petroleum Corp to their account with United European Bank, Geneva.

These two transfers have been initiated by our company because on 21st October 2003 we have entered with the Ministry of Energy and Mining of the Republic of Sudan into an Exploration and Production Sharing Agreement together with other local partners including High Tech Petroleum Co.

Under the above mentioned EPSA we have a certain number of obligation among which the payment of certain sums for Social Development, Training Fund, Surface Rental and Signature Fee, as it is usual in the oil industry.

The amount of US Dollars 915,102 corresponds to our obligation as stated above and had to be paid to the Sudanese Petroleum Corp by the 21st November, 2003.

The amount of US Dollars 15,452.73 corresponds to our part of the costs of data provided for our Block by the OEPA data centre.

We knew that there were sanctions against the country but to our knowledge only for US companies and did not apply for non US companies owned by European interests.

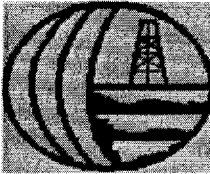
Regrettably we reserve our right to claim for damages if we loose our rights on the concession

We therefore kindly request you to urgently return these funds to our account with Banco Atlantico (Gibraltar) Ltd

Best regards

Jean-Gabriel Antoni





Cliveden Petroleum Co. Ltd

Geneva Branch
17 rue des Pierres-du-Niton
1207 - GENÈVE
SUISSE

TEL: (22) 700 68 60
FAX: (22) 700 58 15
E-mail : clivedengva@bluewin.ch

TELEFAX MESSAGE

DATE : 05 December 2003
TO : Banco Atlantico
ATTN : Mr. Esteban Maldonado
FAX NO : +35040110
FROM : Jean Gabriel Antoni
N° of pages (this one included): 01

By debiting our account with you N° 300730, please effect following payment :

Amount : counter value in **Sterling Pounds** of US Dollars 915,102
(nine hundred fifteen thousand one hundred two)
To : BNP, Paribas (Suisse) S. A, Geneva
formerly United European Bank
Geneva
In favour of : The Sudanese Petroleum Corporation
Account N° : 72482-10V
SWIFT : UEBGCHGGXXX
Reference : 2003 obligations under EPSA dated 21st October 2003
Value : December 8th, 2003

Thanks and regards.


Jean Gabriel Antoni

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1 Corral Road. P. O. Box 561, PMB 6314 GIBRALTAR. Phone/fax: (350) 40117/(350) 40110 Swift: ATLAGIGI E-mail: atlaco@gibnet.gi

CLIVEDEN PETROLEUM CO. LT
17, RUE PIERRES-DU-NITTON
GENEVE
01207 SWITZERLAND

STATEMENT OF ACCOUNT
AS AT : 31.12.03
CURRENT ACCOUNT
NUMBER : 1300730/001.000.840
CUSTOMER CURRENT ACCOUNT
IN US-DOLLAR

PAGE 1

DATE	DESCRIPTION	VALUE DATE	DEBIT	CREDIT	BALANCE
OPENING BALANCE PER : 01.12.03				2.878.181,33	
021203	USD/EUR SPOT 1,21390000	021203	462 14,57		2.878.166,76
031203	POS 1792/03 TRF TO JEAN LUC EMONET	031203	468 14.609,95		2.863.556,81
041203	CONSERVATION FEES FOR MAIL	311203	469 34,58		2.863.522,23
051203	POS 962/03 TRF FROM FARONA INVESTME	041203	470	4.799.966,50	7.663.488,73
051203	POS 1796/03 RETURNED ②	041203	471	4.999.971,20	12.663.459,93
051203	POS 1796/03 TRF TO ATORAM ①	041203	472 5.000.258,56		7.663.201,37
051203	POS 1807/03 TRF TO ATORAM	081203	473 5.000.258,23		2.662.943,14
051203	POS 1810/03 TRF TO THE SUDANESE PET	091203	475 915.362,23		1.747.580,91
051203	POS 1817/03 TRF TO DR PETER FELTER	101203	475 50.100,00		1.697.480,91
051203	POS 1815/03 TRF TO BELSAN HOLDING I	101203	476 15.320,53		1.682.160,38
051203	POS 1816/03 TRF TO CLIVEDEN PETROLE	101203	477 25.050,00		1.657.110,38
121203	USD/EUR SPOT 1,23750000	121203	478 49.500,00		1.607.610,38
121203	POS 1829/03 TRF TO SPHINX CONSULTIN	121203	479 8.278,57		1.599.331,81
121203	POS 1830/03 TRF TO DR. DEBOHRA E. A	121203	480 20.043,65		1.579.288,16
121203	POS 1831/03 TRF TO E.A. ENRGY CONSU	121203	481 6.198,65		1.573.089,51
121203	POS 1832/03 TRF TO AMEX	121203	482 1.175,00		1.571.914,51
121203	POS 1833/03 TRF TO J ROLFE JOHNSON	121203	483 12.543,65		1.559.370,86
121203	POS 1834/03 TRF TO CLIVEDEN PETROLE	121203	484 25.050,00		1.534.320,86
151203	RETURNED POS 1698/03	181103	485	15.423,90	1.549.744,76
151203	POR 980/03 TRF FROM FARONA INVESTME	151203	486	1.999.966,50	3.549.711,26
151203	POS 1841/03 TRF TO ENCANA INT LTD	151203	487 1.939.762,12		1.609.949,14
191203	POS 1870/03 TRF TO FRIEDHELM AND ME	191203	488 17.944,20		1.592.004,94
221203	POS 1892/03 TRF TO SEIS PRO INC	221203	489 10.044,17		1.581.960,77
231203	POS 1897/03 TRF TO J. ROLFE JOHNSON	231203	490 25.050,00		1.556.910,77
BALANCE IN YOUR FAVOUR				1.556.910,77	

① should read returned to Farona
② should read received from Farona



This Agreement is entered into on 2nd of December 2003

by and between:

Cliveden Petroleum Co Ltd, a company incorporated and existing under the laws of British Virgin Islands, whose registered office is at Arawak Trust Company Limited, PO Box 173, Road Town, Tortola, BVI_ ("Cliveden" or the "Assignor")

and

Zarmach Oil Services Inc. a company incorporated under the laws of British Virgin Islands, whose registered office is at CITCO BVI Limited, PO Box 662, Road Town, Tortola, BVI ("Zarmach" or the "Assignee").

(each a "Party" and collectively the "Parties")

Pursuant to an Exploration and Production Agreement signed between Cliveden Petroleum Sudan Ltd (a wholly owned subsidiary of Cliveden) and the Sudanese Ministry of Energy and Mining on October 31st, 2003, Cliveden paid on 21st November 2003 the amount of US Dollars 915,102 (nine hundred fifteen thousand one hundred two) to Sudapet, the Sudanese National Oil Company.

This payment has been made from **Cliveden** a/c at Banco Atlantico (Gibraltar) Ltd to the a/c of Sudapet at United European Bank (UEB) Geneva, Switzerland.

The Same Date Bank of New York (the United States correspondent Bank of Banco Atlantico acting as payor on behalf of **Cliveden**) stopped processing the instructed payment and froze these funds by claiming submission to the US Executive Order 13067 blocking Sudanese Government Properties and prohibiting transactions with Sudan.

In order to be released from the administrative task of recovering the said blocked amount of USD 915,102 in capital **Cliveden** accepts for value received to irrevocably and unconditionally assign to **Zarmach** all of its rights and benefits attached to the

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pending blocked funds and to the related claim against the US Office of Foreign Asset Control. This assignment covers also the interests which might result from the non availability of the funds since the 21st November 2003 until time of their future release.

This Agreement shall be governed and construed in accordance with English Law.

In witness whereof this Agreement has been signed.

Assignor

Cliveden Petroleum Co Ltd

By




General Manager

Assignee

Zarmach Oil Services Inc.

By



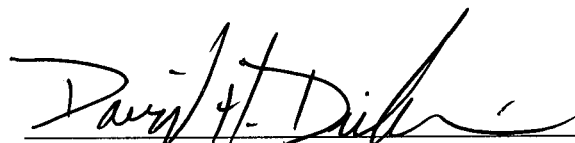
Director

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Affidavit in Support of Claim was filed and served via ECF with copies being sent via facsimile to the following counsel, this 21st day of November, 2008:

Andrew C. Hall, Esq.
Hall, Lamb and Hall, PA
2665 South Bayshore Drive – Penthouse One
Miami FL 33133
Facsimile No: 305-374-5033

Howard B. Levi, Esq.
Levi Lubarsky & Feigenbaum LLP
1185 Avenue of the Americas – 17th Floor
New York NY 10036
Facsimile No: 212-308-8830


David H. Dickieson